

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

DANIEL LEE BEST,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00646

WEXFORD HEALTH SOURCES, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This case concerns a state prisoner's allegations that the medical treatment he has received in prison violates his constitutional rights. The case was referred to Magistrate Judge Mary E. Stanley pursuant to 28 U.S.C. § 636 for proposed findings and a recommendation for disposition. The Magistrate Judge filed her proposed findings and recommendation (PF&R) on February 22, 2010. The plaintiff timely filed objections on March 9, 2010, and several of the defendants have filed responses.

The court has reviewed the objections *de novo* and **FINDS** they are without merit. Accordingly, the court **ADOPTS** the findings and recommendations of the Magistrate Judge.

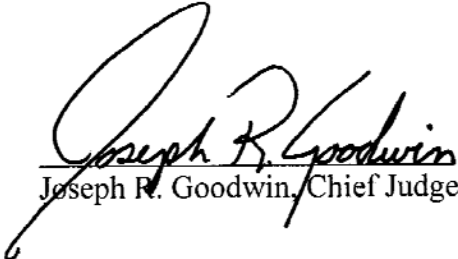
The court **GRANTS** the Motion to Dismiss filed by Betty Hardin [Docket 19-1], and also dismiss the Complaint against defendant Jane Doe; **DENIES** the Motion for a More Definite Statement filed by Betty Hardin [Docket 19-2]; **GRANTS** the Motion to Dismiss filed by Dr. David Proctor and Dr. Subhash Gajendragadkar [Docket 21] concerning Plaintiff's deliberate indifference claim as it relates to his treatment for his rash, the failure to monitor Plaintiff's chronic illnesses, to treat his hepatitis, and to administer preventative vaccinations; **DENIES** the Motion to Dismiss filed

by Dr. Subhash Gajendragadkar [Docket 21] concerning Plaintiff's deliberate indifference claim as it relates to Plaintiff's treatment for HIV, as well as Plaintiff's retaliation claim; **GRANTS** the Motion to Dismiss filed by Wexford Health Sources, Inc. [Docket 21]; **GRANTS** the Motion to Dismiss filed by James Rubenstein, David Ballard and Teresa Waid [Docket 23].

This case shall remain referred to Magistrate Judge Stanley for additional proceedings and submission of proposed findings and recommendation for disposition concerning the remaining claims.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 29, 2010

  
Joseph R. Goodwin, Chief Judge